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Filing date: **09/22/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91197078
Party	Plaintiff Paul Jaboulet Aine
Correspondence Address	JULIE B SEYLER ABELMAN FRAYNE & SCHWAB 666 THIRD AVENUE NEW YORK, NY 10017 UNITED STATES jbseyler@lawabel.com, Rdahl@lawabel.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Aimee M. Allen
Filer's e-mail	aallen@lawabel.com, jbseyler@lawabel.com
Signature	/aimeemallen/
Date	09/22/2011
Attachments	PARALLELE 45 Opp. 91197078 Notice of Reliance - Joint Ventures.pdf (18 pages)(1145308 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

PAUL JABOULET AINE

Opposer,

v.

S.P. GROSSNICKLE, LLC,

Applicant

Opposition No. 91197078

NOTICE OF RELIANCE UNDER RULE 2.122(e)

Opposer hereby makes of record evidence that French companies that manufacture and produce wine frequently enter into business relationships with American companies that produce wine and/or establish estates in the United States to produce wine.

The evidence consists of print-outs from websites that establish the business and partnership arrangements between such companies.

The producer of TAITTINGER champagne, Taittinger, founded the Domaine Carneros winery in Carneros, California. Attached hereto as Exhibit A are excerpted pages from www.domainecarneros.com and www.californiawineryadvisor.com which describe Domaine Carneros by Taittinger.

Moet & Chandon is a company that produces wine in France. It founded the California vineyard Domaine Chandon in California. Attached hereto as Exhibit B are excerpted pages from www.chandon.com and www.napavalley.winecountry.com describing Domaine Chandon

The French winemaker Baron Philippe de Rothschild has partnered with the American winemaker Robert Mondavi to produce the California based wine OPUS ONE. Attached hereto as Exhibit C are excerpted pages from www.opusonewinery.com.

These websites are relevant to the issue of likelihood of confusion in the opposition because they demonstrate that French wines and American wines may emanate from the same or common

source. The existence of such joint ventures in the U.S. wine market makes consumers likely to confuse Applicant's 45 wine and Opposer's PARALLEL 45 wine.

Opposer submits the attached websites as printed publications pursuant to Trademark Rule 2.122 (e), and *Safer Inc. v. OMS Investments, Inc.*, 94 U.S.P.Q.2d 1031, (T.T.A.B. 2010) ("if a document obtained from the Internet identifies its date of publication or date that it was accessed and printed, and its source,(e.g., the URL), it may be admitted into evidence pursuant to notice of reliance in the same manner as a printed publication").

Dated: September 22, 2011

Respectfully submitted,


JULIE B. SEYLER

ABELMAN FRAYNE & SCHWAB
666 Third Avenue
New York, New York 10017
212-949-9022

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing NOTICE OF RELIANCE was served by first class mail, postage prepaid this 22nd day of September, 2011 upon the following:

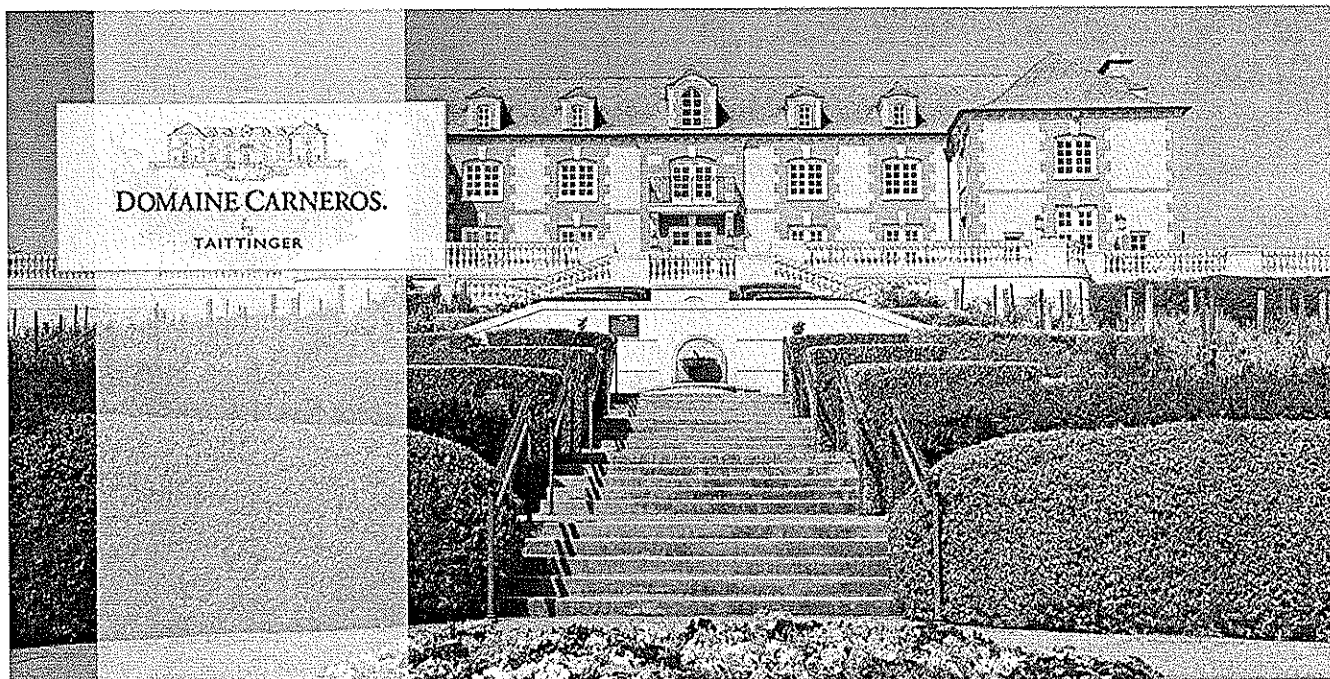
Steven L. Smilay, Esq.
BOTKIN & HALL, LLP
105 East Jefferson Blvd., Ste. 400
South Bend, Indiana 46601


JULIE B. SEYLER

Exhibit A

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Shop

2005 Le Rêve Blanc de Blancs



Wine Enthusiast



Review to be included in the June 2011 WE issue

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Join Us

Spectacular Views, Sparkling wine,
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Open 10-5:45 daily

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Videos

Meet Our

Pinot Noir Winemaker



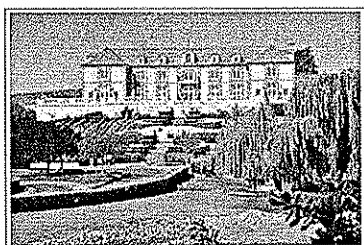
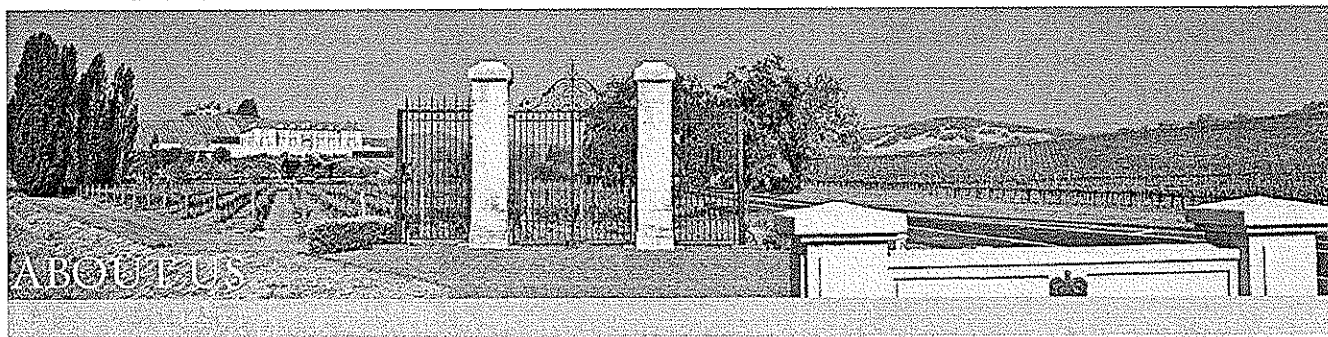
[» ...More](#)



Premium Sparkling Wine from Napa Valley, California

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Domaine Carneros | 1240 Duhig Road, Napa California 94559 | 800.716.BRUT(2788) | E-Mail: info@DomaineCarneros.com
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[CHATEAU](#) [PHILANTHROPY](#) [EMPLOYMENT](#)


Welcome to Domaine Carneros Winery

Domaine Carneros in the heart of Carneros, is the California expression of the tradition and excellence of its founder, Champagne Taittinger. Established in 1987, Domaine Carneros is considered a regional landmark. Exquisite views of endless vineyard-covered hills are the perfect setting to savor our wines.

The main chateau and terrace are open 10:00 a.m. - 6:00 p.m. daily. The last service of the day is at 5:45 p.m. We are closed on Thanksgiving and Christmas. Please see our Visit Us section for information on daily tours.

[CHATEAU](#)
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History

In the late 1970's, Claude Taittinger, the president of Champagne Taittinger, proclaimed his faith in the future of American wines and began the search on U.S. soil for a suitable winery site. In 1987, Champagne Taittinger, along with partner Kobrand Corporation, selected a 138 acre parcel in the heart of Carneros, a viticultural appellation they recognized to have the potential to produce world class sparkling wines. Also in 1987, Claude Taittinger selected Eileen Crane to oversee the planning and development of the property, as the winery's first and only winemaker.

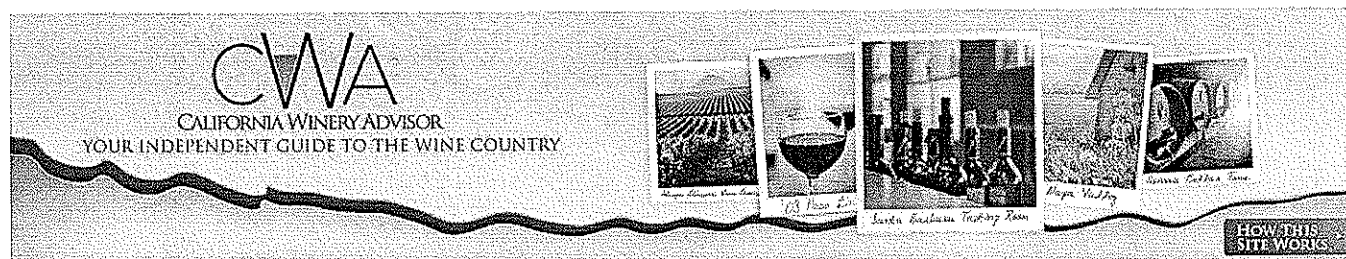
CEO/Founding Winemaker Eileen Crane has been at the helm of Domaine Carneros since the first harvest and continues to oversee and direct winemaking and operational duties.

From the beginning, Domaine Carneros has built a reputation on sparkling wines, in particular our Brut Vintage and luxury cuvée Le Réve Blanc de Blancs. In addition, in the early years of the winery we sold our Pinot Noir fruit to some of California's top producers for a number of years. We naturally came to the conclusion that we had something special on our hands for the creation of red wine. Beginning in 1992, we added the production of Pinot Noir to the Domaine Carneros repertoire. Our Pinot Noir is characterized by rich, red fruit flavor, layers of complexity and a velvety finish.

All of our wines bear the Carneros Appellation, with 95% of our fruit coming from estate vineyards. In April 2008, we received organic certification of all Estate vineyards by the California Certified Organic Farmers (CCOF).

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California Wine Regions

Mendocino County Wineries
 Monterey - San Benito Wineries
 Napa Valley Wineries
 Paso Robles Wineries
 Santa Barbara Wineries
 Santa Clara Valley Wineries
 Santa Cruz County Wineries
 San Luis Obispo Wineries
 Sierra Foothills Wineries
 Sonoma County Wineries
 Temecula Wineries
 Lodi Wineries
 Livermore Wineries
 Lake County Wineries
 Ventura, Ojai & Malibu Wineries
 San Joaquin Valley Wineries
 San Diego Wineries

CWA Poll

If a wine has won a gold medal, are you more likely to buy it?

☐ Yes, definitely helps make up my mind

☐ Yes, probably influences me somewhat

☐ Does not help me

☐ No, it keeps me from buying

☐ What's a gold medal?

Vote

Food & Wine

How To Match

Pairing Cheese & Wine

Wine Country Recipes

Wine Events & News

Rhone Rangers Grand Tasting
 San Francisco 2011 Chronicle Wine Competition,
 American Fine Wine Competition
 Hospice du Rhone 2011
 Central Coast Wine Tasting
 Wine Country After Dark
 Free Wine Tasting Tours Beat

Napa Valley » Domaine Carneros by Taittinger

Domaine Carneros by Taittinger

1240 Duhig Road
 Napa, CA 94559
 (707) 257-0101
 tours@domainecarneros.com

Tasting: Open daily 10:00 to 6pm
 Tasting fee per glass is \$7 to \$15, depending on variety;
 \$15 for sampler of 3 sparkling or Pinot Noir wines
 10% case discount

Tours: Scheduled Tours
 Offered daily at 11am, 1pm, 3pm, Additional tours offered seasonally

Amenities: French Gardens
Price Range: \$24 to \$85 per bottle
Established: 1987
Production: 60,000 cases



Links

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Domaine Carneros by Taittinger Description

A touch of France awaits visitors in the Southern Napa Valley district of Carneros. At Domaine Carneros, a grand eighteenth-century chateau-style building, architecturally inspired by the historic Château de la Marquetterie near Epernay, France, occupies a low hilltop overlooking their vineyards of Chardonnay and Pinot Noir grapes. This local landmark is the home of the joint venture between Champagne Taittinger of France and Kobrand Corporation. Domaine Carneros makes traditional-method champagne, French-style sparkling wine and a limited amount of Pinot Noir and Merlot.

You can park down at the base of the property or closer to the chateau if you don't want to take the royal stairways up through the gardens. Out in front and along the sides of the chateau are patios with great views of the region. Inside is an updated visitor area with sit-down table service. Hospitality is clearly a focus at Domaine Carneros, as the staff tends to your every need. The spacious tasting room has two tasting counters, a fireplace, tall windows that take in the expansive view, and glass chandeliers, all creating a very upscale, regal environment.

Tasting is charged by the glass or by a choice of two different "sampler" programs. Also available are cheese plates and caviar for those so tempted. (Wine club members have customized caviar tastings that change monthly.) Tours are at 11am, 1pm, and 3pm and include tastings of three sparkling and one still wine. The price is \$25 per person.

Domaine Carneros farms organic vineyards on four separate Carneros sites, growing the traditional Champagne grape varieties of Pinot Noir and Chardonnay. Their state-of-the-art facility produces handcrafted wines using labor-intensive traditional practices, and the winemaking style is geared toward achieving lightness and delicacy in the finished product. The winery also uses sun-powered photovoltaic systems to produce its own electricity. There are three sparkling wines made, as well as three different bottlings of their Pinot Noir.

Domaine Carneros by Taittinger Features

Ambiance
 Resort Like
 Kid Friendly
 Off the Beaten Path
 Hip & Stylish

Types of Wine
 Pinot Noir

Amenities
 Tours Available
 Private Tasting
 Food Available
 Event Space
 Wine Education Seminars
 Catering
 Gift Shop
 Tours - Regularly Scheduled
 "Green" Technology

Domaine Carneros by Taittinger Reviews

Write Your Own Review

Winery Search

Enter Winery Name

Search

Advanced Winery Search

CWA Members

Username

Password

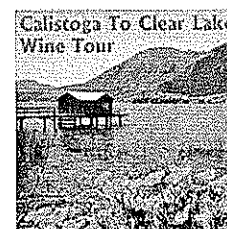
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Western Wine Awards

First Crush Harvest Events

Wine Classic

Wine Stuff

Wine Glossary

Wine Grape Varieties

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Books On Wine

Taste For Free Maps

Ask the Winemaker

How To Technically Taste

Wine

Father of California Wine

Winegrape Family Tree

Advisor Favorite Videos

Edna Valley Harvest

Wine Adventure Weekend

How to Open a Bottle of

Bubbly

Jada Vineyards Virtual Tour

w/Bruce Springsteen

Six Sigma Ranch

Video, Wine For The Confused

How to Taste Wine

Cooking Videos

Zinfandel - Paso's Wine

Natural Cork

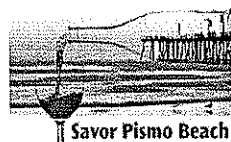
Wine Shop

Deals at Wine.com

Wines Direct Free Shipping

Advisor Wine Picks

More Stuff



wow

ansmorg, San Diego
Really made me think I was in Europe. Beautiful seating area and wait staff. Excellent sparkling wine and tastings very much recommend it made me feel important



Staff Knowledge & Friendliness
Amenities, Comfort & Cleanliness
Value
Wine Quality
Overall Impressions

Great break place

chappkg, Broomfield
After several stops prior to arriving here, what better place to have lunch. Sitting on the veranda with the view eating smoked salmon, dried fruit and cheeses while sipping sparkling and Pinot. Doesn't get much better. Excellent sparkling varieties and very good Pinot.



Staff Knowledge & Friendliness
Amenities, Comfort & Cleanliness
Value
Wine Quality
Overall Impressions

Beautiful, Classic and Elegant!

4jenkins, Fairbanks
If you want an elegant and sophisticated experience this is well worth your visit. The deck and scenery is wonderful! The staff is even better and the wines are incredible. The champagne is a must and buying a bottle and enjoying it later will bring back all the wonderful memories. We brought my sister here for her 30th and LOVED it!



Staff Knowledge & Friendliness
Amenities, Comfort & Cleanliness
Value
Wine Quality
Overall Impressions

What a view!

JDO, South Bay
Of the 7 wineries we visited this Sunday, this was by far the best with a nice view and atmosphere. We had a couple flights of wine, cheese and chocolate and enjoyed the scenery. Definitely a commercial winery, but worth the visit.



Staff Knowledge & Friendliness
Amenities, Comfort & Cleanliness
Value
Wine Quality
Overall Impressions

Favorite Winery in Sonoma

winegirl, San Luis Obispo
Domaine Carneros by far has the highest quality sparkling wines in the Sonoma/Napa area. Be sure not to miss their Vermeil (demi-sec) and sparkling rose. We've always enjoyed sitting on their patio and enjoying a glass of champagne perfectly paired with one of their signature cheese plates.



Staff Knowledge & Friendliness
Amenities, Comfort & Cleanliness
Value
Wine Quality
Overall Impressions

Great place to sit on the balcony with a flight of Pinot Noir!

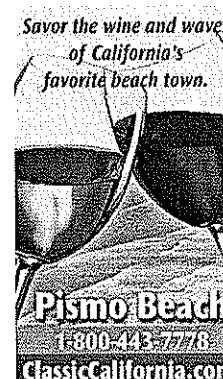
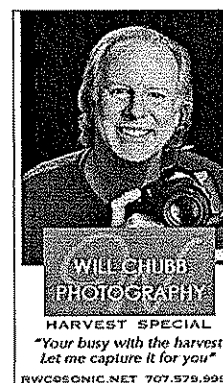
Tina, Benecia
I stopped here on a bike ride with two friends on a gorgeous late spring day. The views from the large outdoor dining patio are fantastic (if you are looking towards the rolling hills of Carneros... the huge pink dollhouse of the winery is a little bit much for me!), and it is a great place to enjoy a glass of wine and the tasty nibbles (cheese, roasted nuts, dried fruit, etc.) from the tasting menu. We had the Pinot noir flight; \$15 is a little steep for three modest pours (I would guess less than 2 ounces each) but it was enough to share among the three of us, and the wines were very good. It's an excellent way to taste three different styles of Carneros Pinot noir side by side, from light and delicate to more bold. Worth a stop.



Staff Knowledge & Friendliness
Amenities, Comfort & Cleanliness
Value
Wine Quality
Overall Impressions

Review Disclaimer

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Romantic Getaways

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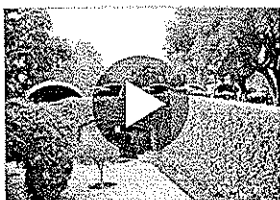
Exhibit B

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Winemaking

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Tour The Property

Discover the delights awaiting you at Domaine Chandon.



Winemaking

With roots in France and our hearts in California, we've always been inspired to make sparkling wines that reflect California character yet remain true to the practices of *méthode traditionnelle*. We combine centuries-old sparkling winemaking practices with high-quality classic California fruit, and the result is the perfect glass of sparkling wine. As a pioneer of sparkling wines in Cameros, we built an expertise in the region that now includes still wines from our prized vineyards.

Sparkling Wines

From the vineyards to the glass we marry the best of French tradition with new world innovations to ensure the highest quality in the bottle. Our winemaking team showcases the rich fruit flavors of California's regional character by using centuries-old champagne methods and traditional grape varieties. The special art of skillfully assembling as many as 60 unique base wines from 25 vineyard sites allows us to create each sparkling wine *cuvée*. Regardless of the style, at their core Chandon sparkling wines reflect California's regional character yet remain true to the practices of *méthode traditionnelle*.

Still Wines

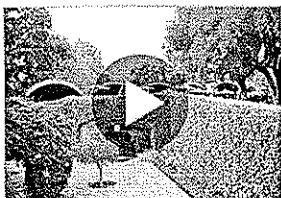
The handcrafted varietal wines of Domaine Chandon pay homage to our unique understanding of traditional champagne varietals and the renowned Cameros appellation. Prior to the 2000 vintage only a small portion of our Chardonnay fruit was used to experiment with still wines. But we ultimately found these varietals were too good to keep to ourselves. We continue to make them in limited quantities, releasing a small amount to select wine shops and restaurants across the country.

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History

About Chandon

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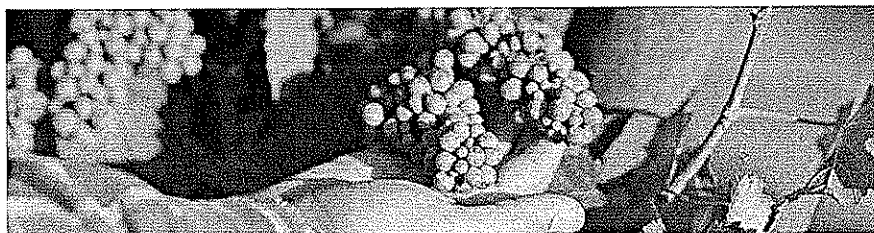
Tour The Property

Discover the delights awaiting you at
Domaine Chandon.

[PLAY VIDEO](#)

History

When our founders came to the Napa Valley from France and found the best vineyard land, they saw the unique climate and soil, and considered many grape varieties. Yet after much experimentation, they reconfirmed the superiority of Pinot Noir, Chardonnay, and Pinot Meunier, the traditional varietals of French Champagne.



After 30 years of cultivation we are experts in each sparkling varietal, and fortunate to grow them in three of California's finest appellations: Yountville, Carneros and Mount Veeder. Today we farm 1,000 acres in these appellations and are leaders in sustainable farming. We feel privileged to grow the finest fruit while preserving our environment for future generations.

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DESCRIPTION OUR WINES VISITING US



Domaine Chandon
 One California Drive
 Yountville, CA 94599



800.736.2892



707.944.8844



707.944.1123 fax


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DETAILS

- ✓ Tasting Tasting Room:
- ✓ Retail Sales Hours: 10:00 am - 6:00 pm
- ✓ Online Sales Cost: \$18-\$25/Mmbrs-2 free
- Open to the Public Tours:
- ✓ Hours: 11:30 am - 3:30 pm
- Cost: \$12 - \$32 / Prvt Tr (by Appt) Fees Vary

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Complimentary 2 for 1 Tasting!

Join us for a tasting in our vibrant, contemporary Tasting Lounge. The festive and stylish setting is ideal for gathering around the bar, a cocktail table, or shaded patio table as you sample our diverse selection of sparkling and still wines.

Tasting Offer

Visit Today and Receive a Complimentary 2 for 1 Tasting of any Flight!

To receive your complimentary tastings, please print and present this offer to Tasting Lounge staff.

*Valid Monday - Friday. Offer is limited to 8 complimentary tastings per group. Must be 21 or over.

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[DESCRIPTION](#) [OUR WINES](#) [VISITING US](#)

As the first American sparkling wine venture by a French Champagne House (Moët & Chandon), Chandon has been a leader in premium sparkling wine production since 1973. Bringing hundreds of years of winemaking tradition and experience to California, Chandon's principal achievement has been to craft a range of sparkling wines that reflect California's vibrant regional character yet remain true to the practices of methode traditionnelle.



Today, the vision widens. As a pioneer in the Carneros district of Napa and Sonoma, Domaine Chandon cultivated an expertise in the region, which has since become recognized as one of the finest growing areas for Pinot Noir and Chardonnay. With this expertise in hand, we've expanded our portfolio to include still wines from our prized Carneros vineyards.

[~ Return ~](#)

Exhibit C

[THE WINE](#)[THE ESTATE](#)[OUR HISTORY](#)[CONTACT US](#)

THE WINE

Tasting Notes

[Current Opus One Vintage](#)[Older Opus One Vintages](#)[Overture](#)[Acquire Opus One](#)[Service](#)[Vineyards](#)[Winemaking](#)

TASTING NOTES

A collaboration between Baron Philippe de Rothschild and Robert Mondavi, Opus One arose, like any great work, out of passion. Our goal is to create a wine of ultimate quality that reflects the traditions and innovations of both founders. French in style but Californian in execution, Opus One is produced with uncompromised attention to detail: from the manner in which our vineyard is planted and maintained, to the quality of the cork that seals the bottle.

Beginning with the first harvest in 1979, every vintage of Opus One has expressed the vision and passionate spirit of its founders. While the varietal percentage of each vintage is different, Opus One is most often a blend of five grape varieties – Cabernet Sauvignon, Cabernet Franc, Merlot, Malbec and Petit Verdot.

[Opus One 2007](#)[Older Opus One Vintages](#)[Overture](#)[Contact Us](#) : [Trade](#) : [Customer Service](#) : [Privacy Policy](#)

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[THE WINE](#)[THE ESTATE](#)[OUR HISTORY](#)[CONTACT US](#)

OUR HISTORY

[The Founders](#)[The Story](#)

WANT TO SEE MORE?
Enjoy a five minute video tour of
the winery today.



THE FOUNDERS

Of the great European wine families, the Rothschilds are perhaps the best known. And Baron Philippe de Rothschild is perhaps the best known of this great family. At the age of 20, Baron Philippe took on the management of Château Mouton Rothschild from his father Baron Henri. Philippe's vision changed the world of wine: he invented Château bottling, commissioned great artists to illustrate his wine labels -- and, in partnership with Robert Mondavi in 1979, created Opus One.

In the 1980s, after her father's death, Baroness Philippine de Rothschild left a stage career that included the Comédie Française and the Renault-Barrault Theatre Company, bringing her own exquisite style and creativity to the design, construction, and operation of Opus One.

Among great New World wine pioneers, Robert Mondavi is an international icon. Bringing a passion for excellence to everything he did, Robert Mondavi led a renaissance in California fine wine for over six decades. Among other accomplishments, he introduced temperature-controlled fermentation, French oak barrel aging, and high-density viticulture to a fledgling American wine industry. But life was not only wine for Robert Mondavi: he broadened the American cultural palate by marrying fine wine to food, music, and the arts. One of few Americans to have received the French medal of the Legion of Honor, Robert Mondavi showed extraordinary vision as co-founder of Opus One.

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THE ESTATE

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The Founders

The Story

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the winery today.



THE STORY

Château Mouton Rothschild winemaker Lucien Sionneau and Robert Mondavi's son Timothy made the partnership's first vintage at the Robert Mondavi Winery in 1979. The following year the partners officially announced their joint venture.

In 1981 a single case of the joint venture wine sold for \$24,000 at the first Napa Valley Wine Auction – the highest price ever paid for a California wine. In 1982 Robert Mondavi and Baron Philippe de Rothschild began label design. The partners agreed to choose a name of Latin origin for the joint venture, allowing for easy recognition in both English and French. Baron Philippe announced his choice, "Opus," a musical expression denoting the first masterwork of a composer. Two days later he proposed an additional word: "Opus One".

The 1979 and 1980 vintages were simultaneously unveiled in 1984 as Opus One's first release. Opus One then became known as America's first ultra-premium wine, establishing a category of wine priced by the bottle at \$50 and above.

Following Lucien Sionneau's retirement in 1985, Patrick Léon joined Château Mouton Rothschild as winemaker and Timothy Mondavi as co-winemaker of Opus One.

Three years later, Baron Philippe de Rothschild died in France at the age of 85; and Baroness Philippine de Rothschild took the reins of the family wine business. This same year Opus One exported a share of its 1985 vintage – and became the first ultra-premium California wine to be sold in France, the United Kingdom, Germany and Switzerland. International demand for the wine continued, and in 1999 Opus One celebrated its 20th anniversary by holding vertical tastings and gala dinners in Oakville, New York, Paris and London. In 2001 the release of its 20th vintage – the 1998 – was met with gala events in Tokyo and Hong Kong.

The winery's board of directors appointed David Pearson CEO in 2004, the first person singly responsible for Opus One. Michael Silacci was thereafter named winemaker, the first to assume full responsibility for viticulture and winemaking.

Constellation Brands, Inc. purchased Robert Mondavi Corporation and assumed 50% ownership of Opus One in 2005. Baroness Philippine de Rothschild and then Constellation Brands President and COO Robert Sands announced the Opus One Accord between Baron Philippe de Rothschild, S.A. and Constellation Brands, Inc. Opus One assumed operating

independence in three key areas: vineyard management, domestic and international sales, and administration.

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